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THE JUVENILE COURT IN PHILADELPHIA

By JUDGE ABRAHAM M. BEITLER

Court of Common Pleas No. 1, Philadelphia

At its session in 1901 the legislature of our state passed an act, with a rather lengthy title, which has become known as the Juvenile Court Act. It passed the Senate by unanimous vote and in the House there were but three votes against it and one hundred and forty-seven for it. The act commits to a Judge of the Court of Quarter Sessions some new powers, and imposes upon him some new duties.

The scope of these powers and duties is, I am sure, understood by but few. That there may be a wider acquaintance with the new law and a clearer appreciation of the benefits possible to be secured by its enforcement, I have tried to condense into a brief article a statement of its salient features, and, besides, to give some data as to the work done since the act was put into operation in Philadelphia.

The act deals only with juveniles, and only with those under sixteen years of age, and of juveniles under sixteen only with the unfortunate and the erring. By its terms it applies to "dependent or neglected" children, and "delinquent" children. The first class, the act says, shall include any child who is destitute or homeless or abandoned or dependent upon the public for support, or who has not the proper parental care or guardianship, or who habitually begs or receives alms, or whose home, by reason of neglect or cruelty or depravity of the parents, is an unfit place for such a child, or any child under eight years of age found peddling on the streets.

A "delinquent" child is one who "violates any law of this state, or any city or borough ordinance."

The Court's jurisdiction may be invoked by a petition, which must be verified by affidavit, stating that the child therein referred to is either dependent or neglected or delinquent.

Upon the filing of the petition, the Judge may issue either a summons or a warrant. The former requires the party having the custody of the child to produce it in court. The latter imposes the

duty of bringing the child into court upon the officer armed with the warrant. Pending the final disposition of any case, the child may be retained in the possession of the person having it in charge, or in some suitable place provided by any association having for one of its objects the care of delinquent or neglected children.

As a matter of fact, very few cases are brought into court upon either summons or warrant. The Judge holding the court finds, upon the day fixed for the hearing of juvenile cases, that he has, perhaps, twenty-five cases on his docket, and to him they are all new cases. Most of them originated in the magistrates' courts or in the station-houses.

The parent or parents of a child or children, for instance, may have been arrested for drunkenness or vagrancy. The magistrate hearing the case sends the parents perhaps to the House of Correction, and then something must be done for the immediate care of the children. They are turned over to the Children's Aid Society or the Society to Protect Children from Cruelty. On the day for the hearing of juvenile cases, the children will be brought in by the Society's agents, and a petition will be filed setting forth briefly the facts.

Sometimes the children are abandoned or homeless waifs turned over to the Society by the police.

The Judge sitting in the Juvenile Court proceeds to inquire carefully into each case. He has the assistance of the prior examination into the facts of each case by the Society's agents. Sometimes the power of the Court is invoked to compel the attendance of relatives, or even of parents. After a careful hearing, the case of each child is decided, and a decree made. The testimony heard is taken down in a short narrative form by a stenographer, and then typewritten and filed for future reference. If the Judge is satisfied that the parent or parents of a child ought not to have the custody of the child, but are able to contribute to its support, he may make an order requiring the payment of such sum as the circumstances warrant. Children are sometimes turned over to relatives, and sometimes to a charitable society, regard being had always to the religion of the child in selecting the society.

Delinquents generally come into court from the magistrates' courts; sometimes directly, sometimes from prison.

Now that the act is being better understood, and its benefits more generally appreciated by the magistrates and the police, a

probation officer is usually advised when a "delinquent" is taken into custody. The hearings are generally held by the magistrate at the station-house, and in a large number of cases, perhaps in a majority of cases, a probation officer is present to hear the testimony against the child and to set on foot an investigation not only of the charge on which the child is held, but as to his or her previous record and home life and surroundings. It is earnestly to be hoped that all our police lieutenants and police magistrates will speedily come to appreciate how greatly the probation officer can assist them and the Court, and will let no case be heard without having previously notified the nearest probation officer.

It is in the handling of these "delinquent" cases that the Judge has the most delicate and difficult tasks imposed on him. Sometimes the boy or girl is charged with some trifling offence, and the investigation made by the probation officer shows that the child is not really bad. The probation officer goes to the child's home; if he attends school she calls on his school-teacher; if he attends Sunday school she communicates with the Sunday school teacher; if he works, she goes to his employer, and endeavors in every way to ascertain what the child's previous life has been and what his home surroundings are.

Sometimes it is apparent that even where the child is not depraved or incorrigible, it is best for his sake that he shall not be returned to his home. A single case will serve as an illustration.

Recently, a boy of thirteen was arrested for larceny. He was guilty. His father was a drunken brute. His mother was a hard-working, honest woman, but in the household she was a mere drudge, without voice or influence. The father sent the boy upon the street to steal. The Judge before whom the case came, heard the father and mother. The father promised to behave himself. The mother begged to have the boy returned to her. He was sent home, and a probation officer appointed in his case. Two months later, the boy was again arrested for larceny. The case against him was clear. This time the Court refused to listen to the pleadings or the promises of the parents, and committed the boy to the House of Refuge. The first time the boy was in the Juvenile Court was perhaps not the first time he had offended. Had we had a Juvenile Court into which he could have been taken when he made his first departure from the path of rectitude he would have been perhaps committed to the Children's Aid Society, and

that Society would have found him a home with some Christian family and his whole life would have been changed for the better. As it is, he has been committed to an institution whose splendid work in reclaiming incorrigibles gives every hope that the boy will yet turn out a good citizen.

What to do with a bad boy is a problem as old as time. If the wisdom of the past had given us one formula to follow, the task imposed on the Judge dealing with "delinquents" would be simple, but the question every time it arises is as new and as difficult as when it was first presented. That some boys would be better off if severely punished, the first time they lie or steal, is undoubtedly true. That the way of the transgressor is hard ought to be taught both as a moral precept and an actual fact. Still, the question in every case is, how shall this boy be handled? With the best motives and after the most careful and patient inquiry, the Judge can at best but guess. To send the boy home from Court after his guilt had been confessed or established, and do nothing more, as was frequently the old way, was often to give rise to the belief on the part of the boy that the law is not stern but lenient, and that after all, to steal, to be caught, to be convicted and to face a Court is not a serious but a trifling matter. To his companions the released boy was often a sort of a hero. The bad effect on him reached to all who were of his age and class and knew of his lucky escape. On the other hand, to refuse to send the boy home left but one alternative, to commit him to prison or to the House of Refuge.

Whether committed or sent home, the boy was given but little chance in comparison to that which the Court can, under the Juvenile Court Act, now extend to him.

This brings us to consider the probation officer.

The act says, Section 6:

"The Court shall appoint or designate one or more discreet persons, of good character, to serve as probation officers during the pleasure of the Court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any Court, it shall be the duty of the Clerk of the Court, if practicable, to notify the said probation officer in advance when any child is to be brought before the said Court; it shall be the duty of the said probation officer to make such investigation as may be required by the Court, to be present in order to represent the interests of the child when the case is

heard, to furnish to the Court such information and assistance as the Judge may require, and to take such charge of any child before and after trial as may be directed by the Court."

Section 9 is: "In the case of a delinquent child the Court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer duly appointed by the Court, and may allow said child to remain in its own home subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the Court for further proceedings whenever such action may appear to be necessary; or the Court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, subject to the friendly supervision of such probation officer; or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the Court may commit the child to a suitable institution for the care of delinquent children."

It is just here that the Juvenile Court Act, in my judgment, offers its greatest good and opens up a new chance to deal intelligently with the case of a delinquent. Instead of making the child promise to be good, and sending him home, the Court places him in charge of a probation officer, and then lets him go home. Sometimes the result is that, for the first time a boy is given a fair chance in the battle of life to make something of himself. Many of the cases of delinquents brought into Court exhibit weakness, incapacity, and sometimes a worse condition on the part of the parents. Their offending is sometimes passive, sometimes active. The probation officer becomes the boy's watchman and his friend, guarding him against himself, and, in some cases, against his parents.

A few months' practical working of the act has shown what a wonderful agency for good the probation officer is. I shall speak of the officer in the feminine, because most of them are women.

She has, by reason of her appointment by the Court, an official position. Her station is one of grave responsibility and great honor, but of no profit. The act distinctly says that the officer shall receive no compensation from the public treasury. This will

keep them from the contaminating touch of party politics, and prevent this particular office being sought after.

The probation officer is the child's friend, but the Court's adviser. Each boy is kept under surveillance. If, after the promises he and his parents have made to the Court, he stays away from school (if his parents can send him) or refuses to work or goes with his former associates, if they are bad boys, he is warned, and if he will not mend his ways, he is brought back to Court, and then the Judge has more knowledge of the case to guide him in intelligent action.

The first session of the Juvenile Court in Philadelphia was held July, 1901. Since that time there have been, up to May 21, 1902, 1,378 cases before the Court. Of these, 481 have been dependents, and 897 delinquents. But fifty-six have been sent to the House of Refuge, and of the rest (returned to their homes in almost every case) but thirty-three have been before the Court a second time. Most of these were given a second chance, and in but one case has the Court had a boy brought back more than once. He was, on his fourth appearance before the Court, committed to the House of Refuge.

One probation officer to whom since last July nearly one hundred children have been committed, told me recently that she had had but one child backslide. Surely such a record would be, if there were no more like it, sufficient warrant for saying that the act will do great good.

The whole scheme of the act is to prevent delinquents from becoming criminals. It is an act for child-saving. Its benefits, though conferred directly upon the child, are reaped by the entire community. It is the ounce of prevention which is far, far better than the pound of cure. It aims to place the erring child, of years too tender to yet fully appreciate the dangers ahead, under the restraining and guiding hand of an officer of the Court, who is at the same time the child's friend.

The restraint is that of oversight; the guidance that of kindly admonition and advice, backed by that power everywhere recognized, the power of the law.